

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

INTELLECTUAL VENTURES II LLC,

Plaintiff,

v.

**FEDEX CORP., FEDERAL EXPRESS
CORP., FEDEX GROUND PACKAGE
SYSTEM, INC., FEDEX FREIGHT,
INC., FEDEX CUSTOM CRITICAL
INC., FEDEX OFFICE AND PRINT
SERVICES, INC., and GENCO
DISTRIBUTION SYSTEM, INC.,**

Defendants.

Civil Action No. 2:16-cv-00980-JRG

JURY TRIAL DEMANDED

VERDICT FORM

In answering the following questions and filling out this Verdict Form, you are to follow all of the instructions I have given you in the Court's charge. Your answer to each question must be unanimous. Some of the questions contain legal terms that are defined and explained in detail in the Jury Instructions. Please refer to the Jury Instructions if you are unsure about the meaning or usage of any legal term that appears in the questions below.

As used herein:

"Plaintiff" refers to: the Plaintiff Intellectual Ventures II LLC.

"FedEx Defendants" refers to: FedEx Corp., Federal Express Corp., FedEx Ground Package System, Inc., FedEx Freight, Inc., FedEx Custom Critical Inc., FedEx Office And Print Services, Inc., and GENCO Distribution System, Inc., collectively.

The Patents-In-Suit refers to: U.S. Patent No. 6,909,356 ('356 Patent); U.S. Patent No. 7,199,715 ('715 Patent); U.S. Patent No. 8,494,581 ('581 Patent); U.S. Patent No. 9,047,586 ('586 Patent).

QUESTION #1:

Did Plaintiff prove by a preponderance of the evidence that any or all of the FedEx Defendants infringed the following claims of the Patents-in-Suit?

Check "Yes" or "No" for each listed claim in the space provided.

'581 Patent?

Claim 1: Yes ____ No ☒

Claim 18: Yes ____ No ☒

Claim 20: Yes ____ No ☒

'586 Patent?

Claim 7: Yes ____ No ☒

'715 Patent?

Claim 1: Yes ____ No ☒

Claim 4: Yes ____ No ☒

'356 Patent?

Claim 1: Yes ____ No ☒

QUESTION #2:

FOLLOW THIS INSTRUCTION AS TO QUESTION #2:

In answering Question #2, you should consider the instructions I have given you on pages 15 & 16 of the Court's Final Instructions to the Jury.

- 2A. If you answered "yes" for any claim of the '715 Patent, then do you find, by a preponderance of the evidence, that the infringing FedEx Defendants' conduct was willful?

Check "Yes" or "No" in the space provided.

Yes ____ No ☒

- 2B. If you answered "yes" for any claim of the '356 Patent, then do you find, by a preponderance of the evidence, that the infringing FedEx Defendants' conduct was willful?

Check "Yes" or "No" in the space provided.

Yes ____ No ☒

QUESTION #3:

Did the FedEx Defendants prove by clear and convincing evidence that any of the following claims of the Patents-in-Suit are invalid?

Check "Yes" or "No" for each listed claim in the space provided.

'581 Patent, Claim 1

Invalid as obvious: Yes ☒ No ☐

'581 Patent, Claim 18

Invalid as obvious: Yes ☒ No ☐

'581 Patent, Claim 20

Invalid as obvious: Yes ☒ No ☐

'586 Patent, Claim 7

Invalid as anticipated: Yes ☒ No ☐

Invalid as obvious: Yes ☒ No ☐

'715 Patent, Claim 1

Invalid as obvious: Yes ☐ No ☒

'715 Patent, Claim 4

Invalid as obvious: Yes ☐ No ☒

'356 Patent, Claim 1

Invalid as obvious: Yes ☒ No ☐

FOLLOW THIS INSTRUCTION AS TO QUESTION #4:

If you have answered **NO** to **ALL** claims of Question #1, answer no further questions, proceed to the last page, have your Foreperson sign and date this verdict form, and then deliver it to the Court Security Officer.

If you have answered **YES** to **EVERY** as to every claim in Question #3, answer no further questions, proceed to the last page, have your Foreperson sign and date this verdict form, and then deliver it to the Court Security Officer.

If you have answered **YES** as to **ANY** of the claims in Question #1, **PROCEED TO ANSWER QUESTION #4** as to **ONLY** that claim or claims of the Patents-in-Suit that you have found to be both infringed by the FedEx Defendants and you have found is not invalid.

QUESTION #4:

What sum of money, if paid in cash today, has Plaintiff proven by a preponderance of the evidence would fairly and reasonably compensate Plaintiff through the life of the Patent(s)-in-Suit for the damages resulting from the infringement which you have found?

PLEASE ANSWER IN U.S. DOLLARS

\$ _____

END OF JURY VERDICT FORM

You have now reached the end of the verdict form and should review it to ensure it accurately reflects your unanimous determinations. After you are satisfied that your unanimous answers are correctly reflected above, then the Jury Foreperson should then sign and date this verdict form in the spaces below. Then, notify the Court Security Officer that you have reached a verdict.

Signed this 18th day of May, 2018.



Jury Foreperson